

**FILED**

NOV 15 2012

**Division of Consumer Affairs**

*NJ Bd. of Massage & Bodywork Therapy*

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE  
CERTIFICATION OF

TAE Y. KIM

FINAL ORDER OF  
DENIAL OF CERTIFICATION/  
LICENSE

AS A MASSAGE, BODYWORK AND  
SOMATIC THERAPIST

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This matter was opened to the Massage, Bodywork and Somatic Therapy Examining Committee (the Committee) upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Tae Y. Kim applied for certification by the Massage, Bodywork and Somatic Therapy Examining Committee by means of an application dated February 5, 2012.

2. On Ms. Kim's application, she checked "no" in response to the questions as to whether she had been arrested or charged with any violation of law, or convicted of any crime or offense,

or left the answer blank.

3. Ms. Kim underwent a criminal history background check which indicated that Ms. Kim had been arrested on July 4, 2006 in Edison, New Jersey on charges of assault, criminal mischief and resisting arrest, which charges were dismissed on October 30, 2006. In addition, Ms. Kim was arrested on February 24, 2009 in Florida on charges of prostitution and fraud. The charges of fraud were not prosecuted, but Ms. Kim entered a plea of nolo contendere to the charges of prostitution on May 5, 2009.

4. Ms. Kim explained that she checked "no" on her application in response to the questions about prior arrests because her English is not good and she did not understand the question.

5. Ms. Kim's plea of nolo contendere was to charges that in the course of performing a massage, she attempted to masturbate a detective who was posing as a customer; and offered to have sex with the detective for \$100.00.

#### CONCLUSIONS OF LAW

1. Ms. Kim's failure to disclose on her application that she had been arrested on prostitution and other charges, offenses which adversely to massage therapy, constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

2. Ms. Kim's plea of nolo contendere to an offense, the underlying conduct of which relates adversely to the practice of

massage, bodywork and somatic therapy, constitutes a violation of N.J.S.A. 45:1-21(f).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification was entered on July 13, 2012, provisionally denying Ms. Kim's application for certification. A copy of the Order was forwarded to Ms. Kim by certified and regular mail at her address of record. The Provisional Order was subject to finalization at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Ms. Kim requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Ms. Kim's request for consideration and reasons therefor.

Ms. Kim responded to the Provisional Order, maintaining that she did not properly understand the questions on the application relating to arrests and convictions. The Board of Massage and Bodywork Therapy ("Board"), has replaced the Committee as of September 4, 2012 pursuant to P.L. 2007, c. 377, the "Massage and Bodywork Therapist Licensing Act." The Board considered this matter, and determined that Ms. Kim had an obligation to ensure that the information she supplied to the Committee on her

application was accurate, particularly information relating to an arrest involving prostitution because it relates adversely to the practice of massage and bodywork therapy in a particularly forceful manner. Therefore, the Board determined that further proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY,

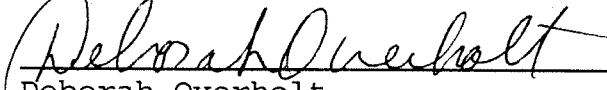
IT IS on this 15<sup>th</sup> DAY of November, 2012,

ORDERED that:

1. Ms. Kim's application for certification as a Massage, Bodywork and Somatic Therapist in New Jersey, deemed as of September 4, 2012 to constitute an application for licensure as a massage and bodywork therapist, is hereby denied.

BOARD OF MASSAGE AND BODYWORK  
THERAPY

By:

  
Deborah Overholt  
Chairperson